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**Introduced by Senator Margett**

February 17, 2005

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An act to add Section 21431 to the Government Code, relating to public employees' retirement.

## LEGISLATIVE COUNSEL'S DIGEST

SB 379, as introduced, Margett. Public employees' retirement: disability retirement benefits.

Under existing law, a local safety member of the Public Employees' Retirement System who retires for industrial disability receives a disability retirement allowance equal to a specified percentage of his or her final compensation or, if he or she is eligible to retire for service, his or her service retirement allowance if that allowance is greater.

This bill would provide that the industrial disability allowance of a local safety member who retires prior to minimum retirement age, as defined, shall be increased, when he or she attains minimum retirement age, to the amount the member would have received had he or she attained minimum retirement age at the time of retirement, if that amount is greater.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 21431 is added to the Government
- 2 Code, to read:
- 3 21431. (a) This section shall apply to local safety members
- 4 who have retired for industrial disability prior to attaining
- 5 minimum retirement age. As used in this section, "minimum

1 retirement age” means the age at which a member may retire for  
2 service without an actuarial discount because of age.  
3 (b) Notwithstanding any other provision of this article, when a  
4 member described in subdivision (a) attains minimum retirement  
5 age, the member’s disability retirement allowance shall be  
6 increased to an amount equal to the service retirement allowance  
7 the member would have received if he or she had attained  
8 minimum retirement age at the time of retirement. This section  
9 shall apply only if the amount of that service retirement  
10 allowance is greater than the disability retirement allowance  
11 otherwise provided by this article.